

Applicants: B. Ferek-Petric  
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### REMARKS

In the final Office Action claims 35-39, 43-47 are pending and rejected. Herein claims 35, 37, 38 and 39 are amended, claims 36 and 43-47 canceled, and new claims 48-51 are added.

Applicants respectfully request entry and favorable consideration of the remarks and amendments tendered herewith.

### CLAIM REJECTIONS UNDER 35 U.S.C. §101

Claims 43 and 44 stand rejected as directed to non-statutory subject matter.

Herewith Applicant amends claims 43 and 44 to render said subject matter statutory by affirmative recitation of a computer readable medium for storing instructions encoded to perform a method (i.e., process claims).

### CLAIM REJECTIONS UNDER 35 U.S.C. §112 and §132(a)

Claim 38 stands rejected under 35 U.S.C. §112, first paragraph and §132(a).

Applicant herewith amends the rejected claim to utilize language clearly reflected in the specification as filed wherein "remotely programming" via "telemetry" is utilized.

### CLAIM REJECTIONS UNDER 35 U.S.C. §102

Claims 35-38, 43-47 stand rejected as being anticipated under 35 U.S.C. §102(b) by Soykan et al. ("Soykan").

Applicant respectfully asserts that the rejection is traversed upon entry of the instant amendment which includes a limitation regarding that the therapy provided in response to an indication of ischemia is devoid of genetically-active material and that the structure disposed in the coronary sinus (or great vein) includes both electrode-based ventricular sensing and at least one flow meter.

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Applicant respectfully asserts that Soykan is devoid of any disclosure relating to the above-noted claim limitations and since Soykan does not include *each and every claim limitation* the rejection has been overcome.

### CONCLUSION

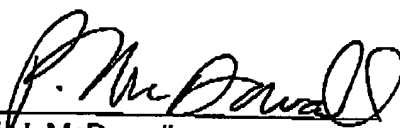
There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited so that the claimed invention may proceed to timely issuance as U.S. Letters Patent.

The Examiner is invited to contact the undersigned to discuss any issues related to the present application.

Respectfully submitted,

Date:

9 Nov. 05



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